

PATENT

Docket No.: 03-52273
App. Ser. No.: 10/786,102

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

Claims 22 and 23 have been added. Thus, claims 14-23 are pending in the present application, of which claims 14, 20 and 21 are independent.

Noted - Priority Document Received By USPTO

The indication (see the past Office Action dated December 9, 2008, Office Action Summary, box 12(a)(1) as checked) that the certified copy(ies) of the priority document(s) has been received by the USPTO is noted with appreciation.

Noted - IDS Considered

The indication (see the attachment to the past Office Action dated December 9, 2008) that the Information Disclosure Statement (IDS) as filed on 02/26/2004 and references listed therein have been considered is noted with appreciation.

Official Consideration of IDS Requested

On June 21, 2010, an Information Disclosure Statement ("IDS"), including one or more forms PTO-1449, PTO/SB/08a and/or PTO/SB/08b, was submitted in the present application. Official consideration by the USPTO of any reference listed on such forms, and thus the IDS itself, would be indicated by the Examiner initialing, signing and dating such forms. As of the date of this response, no initialed, signed and dated version(s) of such forms has been made of record, hence the undersigned infers that the IDS has not yet been considered. The undersigned has no reason to believe that this circumstance implies anything other than a minor oversight on the part of the USPTO. Accordingly, official consideration of the IDS is hereby respectfully requested.

Noted - Drawings Approved

The indication (see the past Office Action issued on December 9, 2008, Office Action Summary, box 10(a) as checked) that the Drawings (submitted on February 26, 2004) have been approved is noted with appreciation.

Claim Rejections Under 35 U.S.C. §112

Claims 14-19 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Office Action notes that "Claims 14-19 claim to be an apparatus; however, no structure is described." By the foregoing amendments, the claims have been amended to describe structures.

The Office Action also notes that "the language of claims 14 and 16-17 is confusing." By the foregoing amendments, the claims have been amended to particularly point out and distinctly claim the subject matter according to the suggestions in the Office Action.

Accordingly, withdrawal of the rejection is respectfully requested.

Claim Rejection Under 35 U.S.C. §101

Claim 20 is rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. By the foregoing amendments, claim 20 has been amended to be directed to a product registration management method performed by a processor. Accordingly, withdrawal of the rejection is respectfully requested.

Claim Rejection Under 35 U.S.C. §102

Claims 14, 16, 17, 20 and 21 are rejected under 35 U.S.C. §102(b) as being anticipated by Highbloom (US Patent No. 5,623,403, hereafter refer to as "Highbloom").

INDEPENDENT CLAIM 14

As an example, independent claim 14 recites (among other things) a feature of:

a memory that stores temporary registration condition information providing a condition permitting temporary registration of product information.

As will be explained below, at least this feature of claim 14 is a distinction over Highbloom.

Regarding the memory (recited as a temporary registration condition storage unit in the examined claim 14 before the above amendments), the Office Action on page 7, last paragraph, notes that "a temporary registration condition storage unit that stores temporary registration condition information providing a condition permitting temporary registration of product information (col. 7, lines 35-55; "If the error cannot be corrected, the record may still be entered into the memory 26 but is flagged for error reporting and is not processed by the data comparator 28.").

It is respectfully submitted that Highbloom notes, in column 7, lines 22-25, that "*FIG. 3 is a flowchart illustrating a preferred embodiment of a procedure for checking the accuracy of the VINs before a record 38 or 40 is entered into the monitoring computer 12 and subjected to comparisons by the data comparator 28.*" (Underlining is added for emphasis). Highbloom also notes, in column 7, lines 35-55, that

The first step in the VIN checking procedure is to perform a check digit algorithm on the entire VIN to ensure that no "false negative" errors occur in the data comparator 28. As is well-known in the art, the alphanumeric characters of VINs are selected so as to be verifiable by such a check digit algorithm. If the VIN passes the check digit algorithm, the second step is to verify that the make and model encoded in the VIN matches the make and model reported in the record. An optional third step may be performed which includes comparing the VIN against a prestored range of valid VIN numbers provided by the manufacturers. If the VIN passes all of the provided steps, the record 38 or 40 is entered into the memory 26 of the monitoring computer 12 for subsequent data comparisons by the data comparator 28. If the VIN fails any of the tests, the error is analyzed to determine whether it can be corrected. Some VIN errors, such as

transposition errors, are correctable. If the error cannot be corrected, the record may still be entered into the memory 26 but is flagged for error reporting and is not processed by the data comparator 28."
(Underlining is added for emphasis.)

While the above-quoted portion mentions checking the accuracy of the VINs, there is no indication of temporary registration condition information providing a condition permitting temporary registration of product information. That is, while the record may still be entered into the memory 26 and flagged for error reporting, such flagged entry does not provide "a condition permitting temporary registration of product information" as claimed (underlined emphasis added). Hence, the noted feature, namely the memory, is a distinction over Highbloom.

Independent claim 14 further recites (among other things) features of:

a proper registration propriety decision unit that refers to the product information registered in the first database by using the acquired product information, and decides whether or not the acquired product information is to be properly registered to the second database based on whether or not a product ID of the acquired product information is registered in the first database; and

a temporary registration unit that temporarily registers the acquired product information to the second database when the acquired product information is decided as improper to be registered to the second database by the proper registration propriety decision unit and when the acquired product information meets the temporary registration condition information. (Underlining is added for emphasis.)

As will be explained below, at least these features of claim 14 provide distinctions over Highbloom.

Regarding the above-quoted portion (column 7, lines 35-55) of Highbloom, mentions that "*If the VIN passes all of the provided steps, the record 38 or 40 is entered into the memory 26...*". The above-quoted portion also mentions that "*If the error cannot be corrected, the record may still be entered into the memory 26 but is flagged for error reporting*" That is, regardless of whether or not the VIN has an error, the record is entered into the memory of the monitoring computer 28.

In contrast, as claimed, there is a condition of when the acquired product information is decided as improper to be registered to the second database and when the acquired product information meets the temporary registration condition information before the temporary registration unit of claim 14 would temporarily register the acquired product information to the second database instead of properly registering. Hence, the noted features, namely the proper registration propriety decision unit and the temporary registration unit, provide distinctions over Highbloom.

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. In view of the distinction of claim 14 noted above, at least one claimed element is not present in Highbloom. Hence, Highbloom does not anticipate claim 14.

Claims 15-19 (and, for that matter, new claims 22 and 23) ultimately depend from claim 14, and so at least similarly distinguish over Highbloom. Hence, Highbloom also does not anticipate claims 15-19, 22 and 23.

INDEPENDENT CLAIMS 20 AND 21

As an example, independent claims 20 and 21 recite (among other things) a feature of:

registering the acquired product information temporarily to the second database when the acquired product information is decided as improper to be registered to the second database by the referring and when the acquired product information meets temporary registration condition information providing a condition permitting temporary registration of product information. (Underlining is added for emphasis.)

As will be explained below, at least this feature of claims 20 and 21 is a distinction over Highbloom.

Regarding the registering, the Office Action notes that "registering the acquired product information temporarily in a temporary registration unit when the acquired product information is decided as improper to be registered in the product

information registration unit by the referring and when the acquired product information meets temporary registration condition information providing a condition permitting temporary registration of product information (col. 7, lines 35-55; "If the error cannot be corrected, the record may still be entered into the memory 26 but is flagged for error reporting and is not processed by the data comparator 28."); and". See the present Office Action, page 11, eighth line from the bottom, to page 12, line 2. Highbloom notes, in column 7, lines 22-25, that "*FIG. 3 is a flowchart illustrating a preferred embodiment of a procedure for checking the accuracy of the VINs before a record 38 or 40 is entered into the monitoring computer 12 and subjected to comparisons by the data comparator 28.*" (Underlining is added for emphasis.) Highbloom also notes, in column 7, lines 35-55, that

The first step in the VIN checking procedure is to perform a check digit algorithm on the entire VIN to ensure that no "false negative" errors occur in the data comparator 28. As is well-known in the art, the alphanumeric characters of VINs are selected so as to be verifiable by such a check digit algorithm. If the VIN passes the check digit algorithm, the second step is to verify that the make and model encoded in the VIN matches the make and model reported in the record. An optional third step may be performed which includes comparing the VIN against a prestored range of valid VIN numbers provided by the manufacturers. If the VIN passes all of the provided steps, the record 38 or 40 is entered into the memory 26 of the monitoring computer 12 for subsequent data comparisons by the data comparator 28. If the VIN fails any of the tests, the error is analyzed to determine whether it can be corrected. Some VIN errors, such as transposition errors, are correctable. If the error cannot be corrected, the record may still be entered into the memory 26 but is flagged for error reporting and is not processed by the data comparator 28. (Underlining is added for emphasis.)

Thus, as similarly noted with respect to claim 14 above, while the above-quoted portion of Highbloom mentions checking the accuracy of the VINs, there is no indication of temporary registration condition information providing a condition permitting temporary registration of product information. Hence, the noted feature, namely the registering, is a distinction over Highbloom.

Independent claims 20 and 21 further recite (among other things) features (including the above-noted feature) of:

referring to a first database which registers product information of a shipped product, by using the acquired product information so as to decide whether or not the acquired product information is to be properly registered to a second database which registers an acquired product information, based on whether or not the acquired product information is registered in the first database; and

registering the acquired product information temporarily to the second database when the acquired product information is decided as improper to be registered to the second database by the referring and when the acquired product information meets temporary registration condition information providing a condition permitting temporary registration of product information. (Underlining is added for emphasis.)

As similarly noted above with respect to claim 14, at least these features of claims 20 and 21 provide distinctions over Highbloom. In view of the distinction of claims 20 and 21 noted above, at least one claimed element is not present in Highbloom. Hence, Highbloom does not anticipate claims 20 and 21.

In view of the foregoing discussion, the rejection of claims 14, 16, 17, 20 and 21 is improper. Accordingly, withdrawal of the rejection is respectfully requested.

Claim Rejection Under 35 U.S.C. §103

Claims 15, 18 and 19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Highbloom in view of Carey, Joan and Patrick, "Microsoft Access 2000 At a Glance" 1999 (hereafter refer to as "Carey").

Claims 15, 18 and 19 depend from independent claim 14. A basis for how Highbloom is deficient vis-à-vis claim 14 has been discussed above. The Office Action does not rely upon Carey to compensate for these deficiencies. Hence, the noted feature of claim 14 also is a distinction over Carey.

Among other things, a *prima facie* case of obviousness must establish that the asserted combination of references teaches or suggests each and every element of

the claimed invention. In view of the distinction of claim 14 noted above, at least one claimed element is not present in the asserted combination of references. Hence, the Office Action fails to establish a *prima facie* case of obviousness vis-à-vis claim 14. Claims 15, 18 and 19 ultimately depend from claim 14, and so at least similarly distinguish over the asserted combination of references.

In view of the foregoing discussion, the rejection of claims 15, 18 and 19 is improper. Accordingly, withdrawal of the rejection is respectfully requested.

New Claims

Again, new claims 22 and 23 have been added. New claims 22 and 23 ultimately depend from claim 14, and so at least similarly distinguish over the asserted combination of references.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below.

Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 50-4610.

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Respectfully submitted,

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